



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, November 20, 2018
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

Tom Fabiano
Kim Johnsen
Alicia Neubauer
Jennifer Smith
Dan Roszkowski

Absent:

Craig Sockwell
Maurice Redd

Staff:

Scott Capovilla - Zoning and Land Use Administrator
Jeremy Carter - Public Works
Samuel Bellone – Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney
Matthew Flores- Assistant City Attorney
Tim Morris – Fire Department

Others:

Kathy Berg - Court Stenographer
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, November 26, 2018, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. This information was also presented in written form attached to the agendas and letters sent to adjacent property owners.

The meeting was called to order at 06:45 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the October, 2018 meeting as written. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0 with Jennifer Smith abstaining and Maurice Redd and Craig Sockwell absent.

018-LTAB-038

Applicant
Ward 03

1414 North Main Street

Mike Werckle /The West Side Show Room

Sale of beer and wine by the drink in conjunction with a not-for-profit performing arts center in a C-2, Limited Commercial Zoning District

The subject property is located on the west side of North Main Street, 130 feet north of the North Main and King Street intersection. Mike Werckle, applicant, had previously submitted an application on Tuesday, April 18th, 2017 and was approved by City Council. Mr. Werckle stated that the application is the same as the last. Mr. Werckle only wants to change and clarify the hours of operation to 10:00 AM to 2:00 AM. Mr. Werckle further explained, that the modified hours would allow flexibility for events held at the business. Mr. Werckle stated that typically events would only last to about 11:00 PM.

Attorney Vaughn asked if the applicant agreed to the eleven (11) conditions presented by the staff recommendation, including condition (4) which states the new hours of operation. Mr. Werckle agreed to all eleven (11) conditions presented by staff.

Staff Recommendation is for Approval with (11) Conditions. No Objectors or Interested were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of beer and wine by the drink in conjunction with a not-for-profit performing arts center on the name of Mike Werckle /The West Side Show Room in a C-2, Limited Commercial Zoning District at 1414 North Main Street. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of beer and wine by the drink shall be limited to the interior floor plan Exhibit F approved by Staff.
4. The hours of operation will be limited to 10:00 am to 2:00 am, Monday through Sunday.
5. Window display signage is limited to 20% of window area.

6. That the windows shall not be covered with bars or other devices that block the windows.
7. The not-for-profit performing arts center shall not have a dance floor, DJ, dancing, and live music may only be presented as a part of the live theatrical performance.
8. The not-for-profit performing arts center shall not operate as a nightclub.
9. Any pending general ordinance case(s) must be resolved prior to the issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license.
11. All conditions must be met prior to the establishment of use.

018-LTAB-039

Applicant
Ward 11

1868 Reid Farm Road

Rockford Park District dba Rockford Bank & Trust Pavilion
Sale of liquor by the drink in conjunction with a banquet hall in a RE,
Rural Estate Zoning District

The subject property is located on the south side of Spring Creek Road and on the west side of Reid Farm Road. Attorney Jim Rodriguez represented the Applicant, the Rockford Park District. Attorney Rodriguez stated that the property is also known as Aldeen Golf Course. It currently has a clubhouse along with a restaurant, and both have liquor licenses. Attorney Rodriguez further explained that the new 9000 square foot addition just south of the clubhouse is a banquet hall and will go by the name of Rockford Bank and Trust Pavilion. The banquet hall will be run by the proprietor of Graystone Grill, currently located in the Aldeen Golf Course Clubhouse. Attorney Rodriguez stated the banquet hall will hold a variety of private events and they are looking to sell liquor by the drink at those events. The hours of operation will be 7:00 AM to 2:00 AM, but it will depend on the event. Security will be provided by the Park District and used during the events.

Attorney Vaughn asked Attorney Rodriguez if the business name will be Rockford Bank and Trust Pavilion. Attorney Rodriguez confirmed that Rockford Bank and Trust Pavilion would be the name of the building. Attorney Vaughn also asked if Attorney Rodriguez had reviewed the six (6) conditions. Attorney Rodriguez had reviewed the six (6) conditions and agreed to the conditions.

Kim Johnsen asked for clarification on what business would be applying for the liquor license. Attorney Rodriguez stated that the Rockford Park District would be the holder of the license. The proprietor of Graystone Grill, Al Castrogiovanni, would also be part of the license as well.

Staff Recommendation is for Approval with (6) Conditions. No Objectors or Interested were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink in conjunction with a banquet hall in the name of Rockford Park District dba Rockford Bank & Trust Pavilion in a RE, Rural Estate Zoning District at 1868 Reid Farm Road. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Liquor Codes.
2. Meet all applicable Building and Fire Codes.
3. The proposed use shall not operate as a nightclub.
4. The proposed use shall not have a cover charge.
5. The sale of alcohol shall be limited to the submitted plans.
6. The hours of operation shall be in accordance with the liquor code.

018-LTAB-040

Applicant
Ward 04

5851-55 Forest Hills Road

Gesner Investments, LLC dba Souse's Lounge

Modification of an existing liquor license to expand an existing tavern and restaurant into an adjacent 1,200 square feet tenant space in a C-2, Limited Commercial Zoning District

The subject property is located within a strip mall on the southwest corner of the Forest Hills Road and Pepper Drive intersection. The parcel is surrounded by commercial and residential uses. Attorney Bob Calgaro, representing applicant, and Jay Gesner, the President of Gesner Investments, LLC were present.

Attorney Calgaro explained that Mr. Gesner has owned and operated Souse's Lounge for eighteen (18) years. Mr. Gesner had previously owned a business next to Souse's Lounge named Take Outz Inc. Attorney Calgaro explained that Mr. Gesner has made the decision to close Take Outz Inc., for the ability to merge the 1,200 square foot space into Souse's Lounge. With the merging of space, Mr. Gesner, would like to modify the kitchen area, enlarge gaming area, enlarge food and eating areas, and remodel bathrooms. Attorney Calgaro explained that the application is to allow the liquor to be served with the enlargement of space. Attorney Calgaro further explained that the sixteen (16) conditions are acceptable.

Staff Recommendation is for Approval with (16) Conditions. No Objectors or Interested were present. A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of an existing liquor license to expand an existing tavern and restaurant into an adjacent 1,200 square feet tenant space in the name of Gesner Investments, LLC dba Souse's Lounge in a C-2, Limited Commercial Zoning District at 5851-55 Forest Hills Road. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Liquor license is limited to the floor plan as shown in Exhibit F.
4. The hours of operation will be limited to 6:00 am to 2:00 am, Monday through Saturday.
5. The hours of operation will be limited to 9:00 am to 2:00 am on Sunday.
6. Window display signage is limited to 20% of window area.
7. The tavern and restaurant shall not have a cover charge.
8. The tavern and restaurant shall not have a dance floor.
9. The tavern and restaurant shall not have any DJ's.
10. The tavern and restaurant shall not have any live entertainment.
11. The tavern and restaurant shall not operate as a nightclub.
12. There shall not be temporary exterior signage.
13. The windows shall not be covered with bars or other devices that block the windows.
14. Any pending general ordinance case(s) must be resolved prior to the issuance of the license.
15. All outstanding general ordinance fines must be paid prior to the issuance of the license.
16. All conditions must be met prior to the establishment of use

018-LTAB-041

Applicant
Ward 01

641 South Perryville Road

The Spider Sushi Bar, Inc. dba Spider Sushi Bar

Sale of beer and wine by the drink in conjunction with a restaurant in a C-2, Limited Commercial Zoning District

The subject property is one (1) of twelve (12) tenants within a shopping center. The property consists of two buildings with several tenant spaces. It is bounded by South Perryville Road to the east, Highgrove Place to the west and Mill Road to the north. Anahi RuBi and Camelia Padilla were present. Ms. Rubi

presented the liquor license request for the applicant.

Ms. Rubi explained that Spider Sushi bar is looking to open up a second location and is seeking approval for the sale of beer and wine by the drink. Spider Sushi located at 4415 Harrison Avenue, has been open for ten (10) years. Ms. Rubi further explained that the second location of Spider Sushi, located at 641 South Perryville, will be more of a restaurant atmosphere. Hours of operation would be Monday through Saturday 11:00 AM to 10:00 PM, with the modification of condition three (3), allowing the business to be open Sunday from 12:00 PM to 8:00 PM. Ms. Rubi stated that they are adding a bathroom to accommodate the capacity for forty-nine (49) people.

Attorney Vaughn asked Ms. Rubi if she had received the staff report and if she reviewed all of the staff conditions. Ms. Rubi agreed that she received the report and agreed to the conditions.

Jennifer Smith asked when the second location would be opening. Ms. Rubi replied that the second location will be open in about three (3) months. Dan Roszkowski asked if there would be video gaming. Ms. Rubi stated that there will not be video gaming. Dan Roszkowski asked if there was a condition of approval to add. Attorney Vaughn responded no and that they do not have video gaming at the existing location.

Staff Recommendation is for Approval with (10) Conditions. No Objectors or Interested were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant in the name of The Spider Sushi Bar, Inc. dba Spider Sushi Bar in a C-2, Limited Commercial Zoning District located at 641 South Perryville Road with **AMENDMENT** to condition three (3) to add hours of operation, Sunday from 12:00 PM to 8:00 PM. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building, Fire and Liquor Codes.
2. The liquor license is limited to this tenant space as shown in Exhibit E.
3. The hours of operation are limited as provided on the business plan labeled Exhibit G. Monday through Saturday 11:00 am to 10:00 pm and Sunday 12:00 pm to 8:00 pm.
4. The restaurant shall not have a cover charge.
5. The restaurant shall not have a dance floor.
6. The restaurant shall not have any DJ's.
7. Window display signage is limited to 20% of window area.
8. The windows shall not be covered with bars or other devices that block the windows.
9. Any pending general ordinance case(s) must be resolved prior to the issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license.

018-LTAB-042

Applicant
Ward 11

2233 Kishwaukee Street and 22XX Starr Street

United 360 LLC dba Kishwaukee Gas

Sale of tobacco products in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District, and I-2, General Industrial Zoning District

The subject property is located one (1) block south of the Kishwaukee Street and Blackhawk Park intersection. The parcel is surrounded by commercial and industrial uses, but there are residential uses east of the subject property. The applicants Samer Alzubi and Muhammad Abdel Hied are purchasing the Citgo gas station at 2233 Kishwaukee Street and seeking approval of the sale of tobacco products. Mr.

Alzubi explained that the Citgo at 2233 Kishwaukee Street has been open for over five (5) years and the applicants are trying to take over management there.

Attorney Vaughn asked if the applicant would hire private security if issues arose at the location. Mr. Alzubi stated that he would agree to hiring private security if needed. Attorney Vaughn asked for clarification on the hours of operation. Mr. Alzubi stated that the hours of operation would be 5:00 AM to 12:00 AM, Monday through Sunday. Attorney Vaughn asked if the applicant had reviewed the fifteen (15) conditions on the staff recommendation report. Mr. Alzubi stated that he had reviewed the conditions, and for condition five (5) he is unsure of what fence needs to be repaired. Mr. Capovilla stated that a section of the fence needs to be repaired and will check with zoning staff on what side needs to be repaired. Mr. Alzubi stated that the damaged side of the fence is on the neighbor's side and not on their side of the property. Mr. Alzubi agreed to all other conditions.

Staff Recommendation is for Approval with (15) Conditions. No Objectors or Interested were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of United 360 LLC dba Kishwaukee Gas in an I-1, Light Industrial Zoning District, and I-2, General Industrial Zoning District located at 2233 Kishwaukee Street and 22XX Starr Street. With the **ADDITION** to add a sixteenth (16) condition of hours of operation to be 5:00 AM to 12:00 AM. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit E.
4. The hours of operation are limited to Monday through Sunday 5:00 am to 12:00 am.
5. Submittal of a Fence Permit with fence detail and rendering for Staff's review and approval.
6. Submittal of a Dumpster Enclosure Permit with dumpster detail and rendering for Staff's review and approval.
7. That the property be developed per approved plan Exhibit D, specifically the striping of parking spaces.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
9. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
10. Window display signage is limited to 20% of window area.
11. There shall not be temporary exterior signage.
12. The windows shall not be covered with bars or other devices that block the windows.
13. Any pending general ordinance case(s) must be resolved prior to the issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license.
15. All conditions must be met prior to establishment of use.

With no further business to report, the meeting was adjourned at 7:07 PM.

Respectfully submitted,
Samuel Bellone, Administrative Assistant
Liquor & Tobacco Advisory Board